

BROOKINGS COUNTY PLANNING & ZONING COMMISSION
MINUTES OF JULY 10, 2023 REGULAR PLANNING & ZONING MEETING

The Brookings County Planning & Zoning Commission met at their regular meeting on Monday, July 10, 2023. The following members were present: Chad Ford, Kelly Vanderwal, Tim Paulsen, Spencar Diedrich, Neil Trooien, Brian Gatzke, and Randy Jensen, and alternate Roger Erickson. Kyle Vanderwal arrived late (*as noted*). Absent were Darrel Kleinjan, and alternate Dale Storhaug. Also present were County Development Director/Emergency Manager Robert Hill, and via phone, Senior Planner from First District Association of Local Governments Luke Muller. Deputy Director Richard Haugen was absent.

CALL TO ORDER

Chair Ford called the meeting to order at 8:00 PM

APPROVAL OF MINUTES

(Diedrich/Paulson) Motion to approve the June 6, 2023, Meeting Minutes. All present voted aye. **MOTION CARRIED.**

ITEMS TO BE ADDED TO AGENDA BY COMMISSION MEMBERS OR STAFF.

None added.

INVITATION FOR CITIZENS TO SCHEDULE TIME ON AGENDA FOR ITEM NOT LISTED. *Time limited to 5 minutes per person to address the board.*

No one scheduled time to address the board.

DISCLOSURE OF CONFLICTS OF INTEREST

None.

APPROVAL OF AGENDA

(Trooien/Gatzke) Motion to approve the agenda for the July 10, 2023 Meeting. All present voted aye. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION

CONSIDERATION OF PLATS

2023PLAT010

For property described as Plat of Lots 2B and 2C of Block 1 in Country Club Estates in the SE1/4 of the NE1/4 of Section 28, T109N, R50W of the 5th P.M., Brookings County, South Dakota. Submitted by Charles and Nancy Zink to vacate Lot 2A and re-plat into Lots 2B & 2C with a 10' access easement to the Brookings Country Club, between the two lots, like was originally platted on a plat that was filed November 12, 2006. Lot 2B contains 20,546 sq. ft. and Lot 2C contains 22,067 sq. ft.

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(Diedrich/Kelly Vanderwal) Motion to approve the plat. Roll call vote: Paulson-aye, Gatzke-aye, Diedrich-aye, Trooien-aye, Jensen-aye, Erickson-aye, Kelly Vanderwal-aye, Ford. 8-aye, 0-nay. **MOTION CARRIED.**

CONVENE AS BROOKINGS COUNTY BOARD OF ADJUSTMENT

2023VAR005

Application by Garret Reed for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "S677' of SW1/4 & N633' of S1310' of W352' of SW1/4 of Section 22, T112N, R51W (Preston Township)" ~ located at 19994 463rd Ave, Bruce, SD 57220.

(Jensen/Trooien) Motion to approve the Variance request.

STAFF REPORT: Applicant is requesting a front yard variance to build a 21' x 27' house addition 96' from the center of 463rd Ave, a variance of 37 feet, required setback is 133' from center of township road. The report noted: 1) Considerations/hardships: house was built in the 1890's prior to current setback requirements and location of power pole. Public notices were published in the Brookings Register on June 20 & 27, 2023 and the Volga Tribune on June 22 & 29, 2023. Letters were sent to adjoining landowners, Preston Township Chairman and Clerk.

PUBLIC HEARING: Applicant Garret Reed had nothing to add.

Proponents: None.

Opponents: None.

DISCUSSION: Board members had no questions or comments regarding the request. Findings of Facts were reviewed, completed by the board, concurred with by Gatzke and placed on file.

VOTE: Gatzke-aye, Diedrich-aye, Trooien-aye, Jensen-aye, Kelly Vanderwal-aye, Paulson-aye, Erickson-aye, Ford-aye. 8-aye, 0-nay. **MOTION CARRIED.**

2023VAR006

Application by Wayne Reiser for a variance. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.03. Density, Area, and Yard Regulation (Minimum Side Yard). The property is described as: "Lot 4 Reaves Subdivision in SW1/4 Section 5, T112N, R52W (Laketon Township).

(Diedrich/Paulson) Motion to approve the Variance request.

STAFF REPORT: Applicant is requesting a side yard variance for a 10' wide x 6' long portable shed to be 4 feet from the side yard property line, a variance of 4 feet, required setback is 8 feet from side yard. Report noted: 1) The proposed shed would meet the 25' front roadside setback and 75' from the lakeside highest known water mark.

Considerations: Shape and size of the lot, location of trees. Reeves Subdivision was July 10, 2023

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platted on December 30, 1970. Public notices were published in the Brookings Register on June 20 & 27, 2023 and the Volga Tribune and Arlington Sun on June 22 & 29, 2023. Letters were sent to adjoining landowners, Brookings County Highway Department and the Laketon Township Chairman and Clerk.

PUBLIC HEARING: Applicant Wayne Reiser informed those present he wanted to clarify that he had also applied for a variance of 16' from the front of the lot line.

DISCUSSION: Board members discussed, and Hill noted that the item could be tabled and moved to the August meeting, with the public notice being republished to include the front yard setback and the item would then be heard at the August 1, 2023 meeting.

(Gatzke/Diedrich) Motion to Table variance request until the August 1, 2023 meeting. All present voted aye. **MOTION CARRIED.**

Kyle Vanderwal arrived and took his seat on the board.

2023VAR007

Application by Bill Heylens, Jr. for a variance. Article IV District Requirements: Chapter 4.03 "LP" Lake-Park District: Section 4.03.03. Density, Area, and Yard Regulation (Minimum Lake Front). The property is described as: "Lots 4 & 5 of DeBoer's Lake Tetonkaha West subdivision in Govt Lots 1, 4, 5 & 6 in Section 7, T111N, R51W (Oakwood Township)" ~~ located at 17 & 18 Oakwood Shoreline Dr, Bruce, SD 57220.

(Kyle Vanderwal/Paulson) Motion to approve the Variance request.

STAFF REPORT: Applicant is requesting a variance to move in a new Redi built 32' wide x 56' long house with a 16' wide x 38' long attached garage and a 12' wide x 36' long attached deck, closer to the lake than the current setbacks allow. The support posts for the attached deck will be 16' from the highest known water mark, a variance of 59' (required setback is 75'). Report noted: 1) The residence and attached garage will be 28' from the highest known water mark. 2) The proposed new house and deck will be farther back from the lake, than the existing structures are now and meet the road setback (25') and side setback (8' from property line). 3) Proposed house and deck will be in line with other existing structures on either side of their lot. 4) Property in floodplain – applicant will need a Floodplain Development Permit, and to follow FEMA Floodplain standards for building in a floodplain. 5) Considerations: a) Location of existing rural water connection, septic system, and electrical lines on the west side of the lot. b) The lake lots and cabins have existed on Lake Tetonkaha (aka Lake Oakwood) since the 1930's and 40's prior to zoning requirements. c) DeBoer Lake Tetonkaha West Subdivision was originally platted in 1984 and replatted June 2003 when the original road was vacated and relocated. Public notices were published in the Brookings Register on June 20 & 27, 2023 and the Volga Tribune on June 22 & 29, 2023. Letters were sent to adjoining landowners, Oakwood Township Chairman and Clerk.

PUBLIC HEARING: Applicant Bill Heylens had nothing to add.

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Proponents: None.

Opponents: None.

DISCUSSION: Board members had no questions or comments regarding the request. Findings of Facts were reviewed, completed by the board, concurred with by Diedrich and placed on file.

VOTE: Diedrich-aye, Kyle Vanderwal-aye, Trooien- aye, Jensen-aye, Erickson-aye, Kelly Vanderwal-aye, Paulson-aye, Gatzke-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

2023CU010

Application by Jeff Christensen for a conditional use permit. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 16: One manufactured or mobile home as a secondary residence, on an established farmstead to be used for the occupancy of a farm employee, or by parents, grandparents, children or brothers and sisters of the occupant of the land, provided that said mobile home is removed within ninety (90) days of the vacation there from by the qualified occupant or occupants. The property is described as: "S1/2 SW1/4 in Section 29, T110N, R52W (Bangor Township)." ~~ located at 45530 213th St, Arlington, SD 57212.

(Kyle Vanderwal/Trooien) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a conditional use permit to move in a used mobile/manufactured home as a secondary residence for his daughter to live in, on his existing farmstead. Report noted: 1) The used mobile/manufactured home is currently located one-half mile to the west, where his son lives. The son would be building a new residence. 2) Proposed location of the manufactured home would be on an existing farmstead. 3) In 1999 the original house was moved off the farmstead and Jeff built a new residence to the east of the farmstead. 4) Farmstead has existing utilizes along with other farm buildings consisting of a garage, barn, grain bins and a Quonset. Public notices were published in the Brookings Register on June 20 & 27, 2023 and the Volga Tribune and the Arlington Sun on June 22 & 29, 2023. 5) Letters were sent to the adjoining landowners, Bangor Township Chairman and Clerk and the Brookings County Highway Department.

PUBLIC HEARING: Applicant Jeff Christensen had nothing to add.

Proponents: None.

Opponents: None.

DISCUSSION: Board members had no questions or comments regarding the request. Findings of Facts were reviewed and completed by the board, concurred with by Trooien and placed on file.

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VOTE: Kyle Vanderwal-aye, Trooien-aye, Jensen-aye, Erickson-aye, Kelly Vanderwal-aye, Paulson-aye, Gatzke-aye, Paulson-aye, Ford-aye. 9-aye. 0-nay. **MOTION CARRIED.**

2023CU011

Application for Hemphill, LLC by Blair Ransom for a conditional use permit. Article 11: Section 11.01: "A" Agricultural District: Conditional Use Permit # 17: Commercial Radio & TV Towers. The property is described as: "SW1/4 Exc Lot H-1 thereof, in Section 10, T111N, R49W (Afton Township)".

(Trooien/Paulson) Motion to approve the Conditional Use.

STAFF REPORT: The applicant is requesting a conditional use permit # 17 to construct a new 260 feet tall cell phone tower to be in the SW1/4 Exc H-1 of Section 10 in Afton Township. Report noted: 1) Tower location is two and one-half miles west of White on SD Hwy 30. 2) Site plan shows they will use an existing driveway, with an access easement for servicing the tower, fence in a 60' x 60' area that will contain: equipment building, tower structure and a generator. 3) Land is currently being farmed. Letters were sent to the applicant, landowner, adjoining landowners, Afton Township Chairman and Clerk, and the South Dakota Department of Transportation. Public notices were published in the Brookings Registers on June 20 & 27, 2023 and the White Tri-City Star on June 22 & 29, 2023.

PUBLIC HEARING: Applicant Blair Ransom had nothing to add.

Proponents: None.

Opponents: None.

DISCUSSION: Board members had no questions or comments regarding the request. Findings of Facts were reviewed and completed by the board, concurred with by Paulson and placed on file.

VOTE: Trooien-aye, Jensen-aye, Erickson-aye, Kelly Vanderwal-aye, Paulson-aye, Gatzke-aye, Diedrich-aye, Kyle Vanderwal-aye, Ford-aye. 9-aye, 0-nay. **MOTION CARRIED.**

RECONVENE AS BROOKINGS COUNTY PLANNING & ZONING COMMISSION

AMEND ARTICLE IV CHAPTER 4.02

Public Hearing and Action to Amend Article IV Chapter 4.02 "Commercial/Industrial Districts" Section 4.02.01 – Permitted Use Adopt by Ordinance 2018.03.

(Diedrich/Paulson) Motion to approve the amendments to Chapter 4.02.

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STAFF REPORT: Hill noted the proposed update to the Zoning Ordinance Chapter 4.02 – “CI” Commercial/Industrial Districts, Section 4.02.01 “Permitted Uses” adopted by Ordinance 2018-03 is to: **Remove** – 1) “Permitted uses in the “A” Agricultural District except residential dwellings, are listed below”. 2) - Single family residences including manufactured, mobile, and modular homes. **Change** in Section 4.02.02 – Conditional Uses. 8) – Change livestock sales to slaughterhouses. Add – in Sec 4.02.02 – Conditional Uses. 22) – Classes A, B, and C Concentrated Animal Feeding Operations in accordance with Chapter 5.22 Concentrated Animal Feeding Operation (CAFO Chapter) when accessory to another listed Conditional Use. Luke Muller added during the Ag District Subcommittee discussion it was decided to just say what we mean in certain uses, here in the commercial district. This was why the word such as slaughterhouses was added. He noted that on the website the original draft that was posted only had removal of residences. He noted that as the board was meeting as the Planning Commission, they had the ability to recommend something different than a draft. He recommended that a substitute motion be created to approve the amendment as read by staff or to flat out amend it as read by staff.

(Diedrich/Paulson) Motion to Amend the current motion that the revisions are stated as read at the meeting.

DISCUSSION: Board members had no questions or comments regarding the motion. All present voted aye. **MOTION CARRIED.**

VOTE: Jensen-aye, Erickson-aye, Kelly Vanderwal-aye, Paulson-aye, Gatzke-aye, Diedrich-aye, Kyle Vanderwal-aye, Trooien-aye, Ford-aye. 9-aye. 0-nay. **MOTION CARRIED.**

DEPARTMENT REPORTS

Hill reported the county was at a moderate drought level, use caution when driving on gravel and township roads - watch for farm equipment. He added that the county commission appreciates the work that the board members do, and they say to keep up the good work.

Muller gave a short training to the board. Stating, “with variances especially on small lot developments, like in the Lake Park District, to consider how much of the lot is buildable versus unbuildable due to setbacks or floodplain.” He gave examples with setbacks resulting in a small percentage of area being buildable on a lot, noting that the low percentage of area being buildable could be a hardship. The board could consider, is a lot being covered by setbacks, is the ordinance the problem. Other county boards that he works with have come to consider this, especially when it involved 60-75% of a lot being covered by setbacks. A second point he discussed was that in residential districts such as Volga or Aurora they won’t allow anyone to build over 30% of a lot. He noted these were things to keep in mind. Hill and Muller noted that a specific percentage would have to be put in the ordinance but to just consider and keep in mind when looking at a hardship and if something is a hardship when considering buildable space. Hill also told the board that the variance that was tabled was a mistake on his part. The applicant had

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applied for a front yard setback but in that location along County Road 2 (S Lake Drive) the setback distance to the road is so long that some properties don't require a variance from the road. He noted he had requested to table, based on the individual sitting in the chair and request for variances. Hill noted that he would have Haugen add in the staff report that even though the applicant did request a variance (16' front yard) it is not needed.

ADJOURN

(Diedrich/Erickson) Motion to adjourn. All present voted aye. **MOTION CARRIED.** Chair Ford adjourned the meeting at 9:13 PM.

Rae Lynn Maher
Brookings County
Development Department